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10/740,744	12/19/2003	Lee G. Friedman	190250-1770	4919
38823 7590 08/09/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339				
			EXAMINER TRAN, TUYETLIEN T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/740,744

Applicant(s)

FRIEDMAN, LEE G.

Examiner

TuyetLien (Lien) T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 05/27/07.

**This action is made final.**

2. Claims 1-23 are pending in the case. Claims 1, 8, 11, 17, 20 and 23 are independent claims. Claims 1-12, 14, 17-23 are the amended claims.

#### *Claim Objections*

3. Applicant's amendment corrects the previous objections and therefore the objections are withdrawn.
4. Claim 4 is objected to because of the following informalities: the term "Bvideo" should be changed to "video". Appropriate correction is required.

#### *Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Applicant's amendment corrects the previous rejections on claims 17-19 and therefore the rejections on claims 17-19 are withdrawn.

7. **Claims 11-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**With respect to claim 11**, a "software wizard program" is being recited; however, it appears that the program would reasonably be interpreted by one of ordinary skill in the art as software, per se. A computer software module being stored in a computer readable medium is still considered a software module by itself. This subject matter is not limited to that which falls

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within a statutory category of invention because it is not limited to a process, a machine, manufacture, or a composition of matter.

Claims 12-16 fail to resolve the deficiencies of claims 11 and 17, and therefore are also rejected.

Note that amending claim 11 to recite "A computer readable medium having stored thereon a software wizard program" instead of "A software wizard program stored on a computer readable media" would overcome this rejection in a manner consistent with Applicant's specification.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 2, 6-8, 11, 17, 18, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al (Patent No. US 6266571 B1; hereinafter Fado) in view of Brockway et al (Patent No US 6789111 B1; hereinafter Brockway).**

**As to claim 1, Fado teaches:**

A computer system (e.g., Fig. 48) comprising:

a processor coupled with memory and with a plurality of externally-accessible input ports (e.g., see Fig. 48 and col. 15 lines 30-38); and

a device discovery system that identifies a user-desired input device among a plurality of substantially similar input devices, wherein the identification is carried out by detecting a signal

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that is generated by the user-desired input device in response to a signal stimulus provided by a user (e.g., see Figs. 16-18 and col. 11 lines 12-33).

Fado does not teach polling all the plurality of externally-accessible input ports.

However, Brockway teaches that a system for automatically detecting peripheral devices that are connected to externally-accessible input ports by periodically polling its physical I/O ports for the existence of a connected peripheral devices (e.g., see col. 2 lines 49-62).

Brockway further teaches in order for a peripheral identification unit to detect which, if any, peripheral device are attached to the I/O ports, the unit query the I/O ports, one at a time, for a response from an attached device (e.g., see col. 7 lines 26-44).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the polling all the plurality of externally-accessible input ports to identify an input device as taught by Brockway in the computer system as taught by Fado to achieve the claimed invention. As disclosed by Brockway, the motivation for the combination would be to detect identifying signal transmitted by the peripheral devices connected to plurality of externally-accessible input ports (e.g., see col. 7 lines 26-44).

**As to claim 8**, this claim differs from claim 1 only in that claim 8 introduces a limitation of "to discover a valid connectivity of an audio input device coupled to the computer system" (e.g., note Fado teaches this limitation in Figs. 16-18 and col. 11 lines 12-33). Thus, claim 8 is analyzed as previously discussed with respect to claim 1 above.

**As to claim 11**, Fado teaches:

A software wizard program stored on a computer-readable media (e.g., see col. 15 lines 45-50), the program comprising:

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logic configured to provide instructions to a user for selecting an audio input device from a plurality of substantially similar audio input devices (e.g., see Fig. 3 and col. 6 lines 30-47) that have been communicatively coupled to a first respective plurality of externally-accessible input ports of a computer system (e.g., see Fig. 48 and col. 15 lines 30-38); and

logic configured to identify the user-selected audio input device by detecting a signal that is generated by the user-selected audio input device in response to an audible stimulus that is provided by the user to the user-selected audio input device (e.g., see Figs. 16-18 and col. 11 lines 12-33); and

logic to execute the software wizard program (e.g., see col. 15 lines 45-50).

Fado does not teach polling all the plurality of externally-accessible input ports.

However, Brockway teaches that a system for automatically detecting peripheral devices that are connected to externally-accessible input ports by periodically polling its physical I/O ports for the existence of a connected peripheral devices (e.g., see col. 2 lines 49-62). Brockway further teaches in order for a peripheral identification unit to detect which, if any, peripheral device are attached to the I/O ports, the unit query the I/O ports, one at a time, for a response from an attached device (e.g., see col. 7 lines 26-44). Thus, combining Fado and Brockway would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 17,** Fado teaches:

A computer system (e.g., see Fig. 48) comprising:

a processor communicating with memory and executing instructions stored in the memory, the instructions comprising logic configured to discover a user-desired input device among a plurality of substantially similar input devices coupled to a respective plurality of externally-accessible input ports of the computer system (e.g., see Fig. 48 and col. 15 lines 30-

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38), wherein the discovery is carried out by detecting a signal that is generated by the user-desired input device in response to a signal stimulus provided by a user (e.g., see Figs. 16-18 and col. 11 lines 12-33).

Fado does not teach polling all the plurality of externally-accessible input ports.

However, Brockway teaches that a system for automatically detecting peripheral devices that are connected to externally-accessible input ports by periodically polling its physical I/O ports for the existence of a connected peripheral devices (e.g., see col. 2 lines 49-62).

Brockway further teaches in order for a peripheral identification unit to detect which, if any, peripheral device are attached to the I/O ports, the unit query the I/O ports, one at a time, for a response from an attached device (e.g., see col. 7 lines 26-44). Thus, combining Fado and Brockway would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 20, Fado teaches:**

A method of discovering and configuring a user-desired input device among a plurality of substantially similar input devices coupled to a respective plurality of eternally-accessible input ports of a computer system (e.g., see col. 1 lines 7-13 and Fig. 48, col. 15 lines 30-38), the method comprising:

launching a software wizard to provide instructions to a user (e.g., see Fig. 2);

instructing the user to provide a signal stimulus into the user-desired input device (e.g., see Figs. 16-17);

polling an externally-accessible input ports for response to the signal stimulus (e.g., see Fig. 26);

measuring a first signal amplitude that is received at a first input port of the plurality of externally-accessible input ports, the first signal amplitude generated by a first input device among the plurality of substantially similar input devices (e.g., see item 224 in Figs. 16-17);

measuring a second signal amplitude that is received at a user-desired input port of the plurality of externally-accessible input ports, the second signal amplitude generated by the user-desired input device in response to the signal stimulus provided by the user (e.g., see Fig. 18 and col. 11 lines 12-23); and

processing the first and second signal amplitudes to identify the user-desired input device (e.g., col. 11 lines 23-33).

Fado does not teach polling all the plurality of externally-accessible input ports. However, Brockway teaches that a system for automatically detecting peripheral devices that are connected to externally-accessible input ports by periodically polling its physical I/O ports for the existence of a connected peripheral devices (e.g., see col. 2 lines 49-62). Brockway further teaches in order for a peripheral identification unit to detect which, if any, peripheral device are attached to the I/O ports, the unit query the I/O ports, one at a time, for a response from an attached device (e.g., see col. 7 lines 26-44). Thus, combining Fado and Brockway would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

***As to claim 23, Fado teaches:***

A computer program product storing computer-readable instructions for performing a method of discovering and configuring an audio output device (e.g., see col. 1 lines 7-13 and Fig. 48, col. 15 lines 30-38), the method comprising:

Instruction a user to select the audio input device from a plurality of substantially similar audio input devices that have been communicatively coupled to a plurality of externally-



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accessible input ports of a computer system (e.g., see Figs. 3, 48 and col. 6 lines 30-47, col. 15 lines 30-38);

detecting a signal that is generated by the user-selected audio input device in response to an audible stimulus that is provided by the user to the user-selected audio input device (e.g., see Figs. 16-18 and col. 11 lines 12-33).

Fado does not teach polling all the plurality of externally-accessible input ports.

However, Brockway teaches that a system for automatically detecting peripheral devices that are connected to externally-accessible input ports by periodically polling its physical I/O ports for the existence of a connected peripheral devices (e.g., see col. 2 lines 49-62).

Brockway further teaches in order for a peripheral identification unit to detect which, if any, peripheral device are attached to the I/O ports, the unit query the I/O ports, one at a time, for a response from an attached device (e.g., see col. 7 lines 26-44). Thus, combining Fado and Brockway would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claims 2 and 18**, Fado further teaches a device configuration system that configures the user-desired input device to operate together with a software application program on the computer system (e.g., see Fig. 34 and col. 1 lines 29-36).

**As to claim 6**, Fado further teaches wherein the plurality of input ports are coupled to substantially similar audio input devices (e.g., see col. 15 lines 30-38), and the device discovery system identifies the user-desired input device by unmuting an output from the user-desired input device (e.g., see Fig. 8).

**As to claim 7**, Fado further teaches comprising an output device that is housed together with the user-desired input device in a common enclosure (e.g., see Figs. 3-8).

**As to claim 21**, Fado further teaches wherein the user-desired input device is an user-desired audio input device (e.g., see col. 15 lines 30-38), and the signal stimulus is an audible signal that is coupled into the user-desired audio input device (e.g., see Fig. 18).

**10. Claims 3-5, 9-10, 12-16, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al (Patent No. US 6266571 B1; hereinafter Fado) in view of Brockway et al (Patent No US 6789111 B1; hereinafter Brockway) further in view of Matthew et al (ebook titled "Home Networking with MICROSOFT WINDOWS XP: step by step"; hereinafter Matthew).**

**As to claim 3**, Fado and Brockway teach the limitations of claim 2 for the same reasons as discussed with respect to claim 2 above. Fado further teaches that the microphone and speaker setup taught in Figs. 1-48 can be used for other application as well (e.g., see Fado col. 1 lines 29-36). However, Fado and Brockway do not expressly teach that the software application permits a user of one computer system to communicate with a second user of a second computer system.

In the same field of endeavor of configuring input devices for use with an application (e.g., see Matthew page 2 "using Windows Messenger with Voice and video"), Matthew teaches a software application program is an audio-video communication program that permits the user of the computer system to communicate with a second user of a second computer system (e.g., see page 5), via an audio-video communication link (e.g., home network or Internet, see page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the audio and video tuning wizard feature as taught by Matthew to the computer system as taught by Fado and Brockway to configure input devices that use with

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audio-video communication program to permit a user from one computer to communicate with another user of a second user. The motivation for the combination is to allow voice and video conversations that provides users with immersiveness because users are able to speak and see others while online.

***As to claims 4 and 19***, Fado, Brockway and Matthew teach the limitations of claims 3 and 18 for the same reasons as discussed above. Matthew further teaches a video chat program (e.g., see page 5). Thus, combining Fado, Brockway and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

***As to claim 5***, Matthew further teaches a digital subscriber line (e.g., see page 2 and page 5). Thus, combining Fado, Brockway and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

***As to claim 9***, Fado and Brockway teach the limitations of claim 8 for the same reasons as discussed above. Matthew further teaches comprising a video input device coupled to any second one of a plurality of externally-accessible input ports of a computer system (e.g., video camera that is obviously connected to a computer, see page 2 and page 3); and wherein the device discovery system polls the plurality of input ports to discover a valid connectivity of the video input device to the computer system by detecting a signal that is generated by the video input device in response to a user providing a visual stimulus to the video input device (e.g., see page 3). Thus, combining Fado, Brockway and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

**As to claim 10**, Fado further teaches the device discovery system unmutes the audio input device to discover the valid connectivity of the audio input device to the computer system (e.g., see Fig. 8).

**As to claim 12**, Fado and Brockway teach the limitations of claim 11 for the same reasons as discussed above. Matthew further teaches comprising:

logic configured to provide instructions to a user for selecting a video input device from a plurality of substantially similar video input devices that have been communicatively coupled to a second respective plurality of externally-accessible input ports of the computer system (e.g., steps 3 and 4 in page 3; note that it is obvious that camera(s) is/are connected to input ports of a computer);

logic configured to provide a dropdown list showing device identification labels for each of the plurality of video input devices (e.g., step 4 in page 3); and

logic configured to provide instructions to the user in selecting a video input device from the dropdown list (e.g., step 4 in page 3). Thus, combining Fado, Brockway and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

**As to claim 13**, Matthew further teaches comprising: logic configured to identify the user-selected video input device by detecting a signal that is generated by the user-selected video input in response to a visual stimulus signal that is provided by the user to the user-selected video input device (e.g., see page 3). Thus, combining Fado, Brockway and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

**As to claim 14**, Fado further teaches comprising:

logic configured to provide instructions to the user for selecting an audio output device from a plurality of audio output devices (e.g., see Fado Fig. 3 and col. 6 lines 30-47) that have been communicatively coupled to a first respective plurality of externally-accessible output ports of a computer system (e.g., see Fado Fig. 48 and col. 15 lines 30-38);

logic configured to provide a dropdown list showing device identification labels for each of the plurality of audio output devices (e.g., see Fado Fig. 3 and Fig. 4);

logic configured to provide instructions to the user in selecting the audio output device from the dropdown list (e.g., see Fado Fig. 4); and

logic configured to generate an audible test tone from the selected audio output device (e.g., see Fado Fig. 9).

***As to claim 15***, Fado further teaches comprising:

logic configured to provide a volume control icon (e.g., see Fig. 9);

logic configured to provide instructions to the user to operate the volume control icon to set a desired volume of the selected audio output device (e.g., see Fig. 9 and Figs. 34-38); and

logic configured to generate an audible test tone corresponding to the desired volume, from the selected audio output device (e.g., see Fig. 9 and Figs. 34-38).

***As to claim 16***, Fado further teaches wherein the first and second respective plurality of externally-accessible input ports are respectively common ports (e.g., see Fado Fig. 47).

***As to claim 22***, Fado and Brockway teach the limitations of claim 20 for the same reasons as discussed above. Matthew further teaches wherein the user-desired input device is an user-desired video input device (e.g., see page 2 and page 3) and the signal stimulus is a visual signal that is coupled into the user-desired audio input device (see page 3 and page 4).

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Thus, combining Fado, Brockway and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

*It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).*

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T  
8/03/2007

Lien Tran  
Examiner  
Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER